

September 27, 2023

Via Electronic Mail

The Hon. Nick Collins, Chair
Joint Committee on State Administration
and Regulatory Oversight
State House, Room 312-D
Boston, MA 02133
Nick.Collins@masenate.gov

The Hon. Antonio F.D. Cabral, Chair
Joint Committee on State Administration
and Regulatory Oversight
State House, Room 466
Boston, MA 02133
Antonio.Cabral@mahouse.gov

**Re: House 3127, An Act Relative to Chapter 30B Procurement Parity
Senate 2019, An Act Relative to Chapter 30B Procurement**

Dear Chair Collins and Chair Cabral:

Good day. I hope this letter finds you well.

As the Commonwealth's Inspector General, I am very deliberative when I offer my perspective regarding suggested changes to Chapter 30B of the Massachusetts General Laws (Chapter 30B), the Uniform Procurement Act, because my office has a responsibility to administer this statute and has authority to monitor and investigate compliance with its dictates.

As a result of many one-on-one conversations with directly impacted municipal leaders as part of my in-the-community listening tour, and after careful contemplation and deliberation, I write in support of House 3127, *An Act Relative to Chapter 30B Procurement Parity* and Senate 2019, *An Act Relative to Chapter 30B Procurement*. Both of these bills would raise the thresholds in Section 4 of Chapter 30B, making the thresholds for municipal government procurements the same as those for school districts. Currently, based upon a recent change in the law, school districts are permitted to seek three written quotations for procurements up to, but not exceeding, \$100,000, rather than following the competitive sealed bidding process. House 3127 and Senate 2019 would allow that same threshold and practice to occur for the municipal side of government.

Prior to my term, the Office of the Inspector General (OIG) did not support the increased threshold for school districts to \$100,000. Once that threshold was raised, however, it created a disparity. Now that this is the law, in my opinion equity, fairness, clarity and the ability to manage these complex procurement laws require the OIG to support a comparable increase in the threshold on the municipal side. We recognize that administering two thresholds within one community (for many, the distinction between municipal governments and school departments is confusing and not a clear distinguishing factor) is cumbersome and difficult, especially when municipal departments and school departments want to conduct joint procurements.

The OIG's mission and purpose reflect a focus on public procurements that are open, fair and transparent. In my estimation, the public purpose is not served by maintaining different thresholds for different governmental entities within the same community, which has only the potential to cause confusion.

With the increased threshold of \$100,000 for written quotations, one amendment the committee should consider for transparency purposes is a requirement for the solicitation to be posted on the municipal or school district website, as the case may be. The quotation process could still be completed within a quick timeline, while posting the solicitation notice online for 30 days would make everyone aware of all procurements conducted in this manner. It also would allow residents to know what the governmental entities are purchasing and vendors to know the types of goods and services that are being sought so they can potentially participate in future procurements.

If you have any questions, please do not hesitate to reach out to me at 617-722-8806 or Jeffrey.S.Shapiro@mass.gov or Joshua Giles, Director of Policy and Government, at 617-722-8828 or Joshua.Giles@mass.gov. Thank you for your consideration.

Sincerely,



Jeffrey S. Shapiro
Inspector General

cc (via electronic mail):

The Hon. Jason M. Lewis

The Hon. Tommy Vitolo

Joshua Giles, Director, Policy and Government Division, OIG

Susanne M. O'Neil, General Counsel, OIG

Neil Cohen, Director, Regulatory and Compliance Division, OIG

Nataliya Urciuoli, Executive Assistant to the IG, OIG